

TITLE 28
United States Code
Congressional Service

UNITED STATES GOVERNMENT PRINTING OFFICE
1948

Pages 1487-2174

80th Congress - 2d Session

Epochal Legislation

New

Title 28 — United States Code
Judiciary and Judicial Procedure

Approved June 25, 1948

Effective September 1, 1948

WEST PUBLISHING CO.

EDWARD THOMPSON CO.

Attachment 18 - page 1 of 11

Attachment
5
memorandum /

SCANNED
MAR 05 2019

nah
U.S. DISTRICT COURT MPLS



NEW TITLE 28—UNITED STATES CODE JUDICIARY AND JUDICIAL PROCEDURE

Not since 1911 has Congress passed a bill of such epochal importance to the bench and bar as H.R. 3214 revising laws relating to the Federal judiciary and judicial procedure.

This revision of Title 28 of the United States Code ranks in importance with the Judiciary Act of 1789, the Revised Statutes of 1873-74 and the Judicial Code of 1911.

As a special service to those who administer justice from the bench and at the bar, this pamphlet includes the most authoritative and complete legislative history yet published in connection with a Federal law. Special attention is directed to the table of contents in which is enumerated historical and interpretive aids to a study of the new Title 28 as set out in this pamphlet.

OUTLINE OF HISTORY

Early in 1944 work on the revision of Title 28 was commenced under the direction of the House Committee on Revision of the Laws. The work was done by the West Publishing Company, of St. Paul, Minnesota, and the Edward Thompson Company, of Brooklyn, New York, compilers of the United States Code. The editorial staffs of these two companies were augmented by expert revisers and consultants, and assisted by an Advisory Committee of distinguished judges and lawyers.

A copyrighted Feature of the U. S. Code Congressional Service

NEW TITLE 28—UNITED STATES CODE

The Advisory Committee held its first meeting at Brooklyn, New York, on February 5, 1945, and reviewed the work then completed which comprised Part I of the proposed title.

On May 28, 1945, the Advisory Committee met at Hershey, Pennsylvania, and reviewed the work then completed which comprised Parts I-IV of the proposed title.

Congressman Keogh, Chairman of the House Committee on Revision of the Laws, introduced H. R. 3498 in the seventy-ninth Congress, on June 19, 1945, incorporating Part I of revised Title 28. The bill was referred to such Committee, but no Committee action was taken.

On December 3, 1945 the Advisory Committee met at Washington, D. C., and reviewed the completed revision.

The fourth and final meeting of the Advisory Committee was held at Washington, D. C., on April 1-3, 1946, at which time further recommendations and proposed changes were reviewed.

On July 24, 1946, Congressman Keogh reported an original bill, H. R. 7124, in the seventy-ninth Congress, containing the completed revision, which was committed to the Committee of the Whole House on the State of the Union. House Report No. 2646, July 24, 1946, to accompany the bill, was printed and issued by the House Committee on Revision of the Laws, but the seventy-ninth Congress ended before any further action was taken.

The late Congressman Robsion, Chairman of Subcommittee No. 1 of the House Judiciary Committee, introduced H. R. 2055 in the Eightieth Congress, a successor bill to H. R. 7124, and incorporating laws enacted subsequently to the introduction of H. R. 7124 in the prior Congress. The bill was referred to the House Judiciary Committee which, in the re-organization of Congressional committees, had absorbed the previous House Committee on Revision of the Laws.

Subcommittee No. 1 of the House Judiciary Committee held a hearing on H. R. 2055, on March 7, 1947.

On April 22, 1947, the House Judiciary Committee reported favorably on H. R. 2055, but recommended a substitute bill, H. R. 3214, incorporating additional changes.

Congressman Robsion introduced H. R. 3214 in the Eightieth Congress on April 25, 1947, which was referred to the House Judiciary Committee, and committed to the Committee of the Whole House on the State of the Union. House Report No. 308, April 25, 1947, to accompany H. R. 3214, 80th Congress, was printed and issued by the House Judiciary Committee.

H. R. 3214, with amendments, was passed in the House on July 7, 1947, and was referred to the Senate Judiciary Committee.

JUDICIARY AND JUDICIAL PROCEDURE

A subcommittee of the Senate Judiciary Committee, with Senator Donnell of Missouri as Chairman, held hearings on H. R. 3214, on April 22-24, 1948.

On June 9, 1948, the Senate Judiciary Committee reported out H. R. 3214, with amendments, accompanied by Senate Report No. 1559.

The bill, with amendments, was passed by the Senate on June 12, 1948, followed by a motion to reconsider. The motion to reconsider was withdrawn on June 15, 1948, and on June 16, 1948, the House concurred in the Senate amendments. As finally passed, the bill incorporated all laws affecting Title 28 up to and including January 5, 1948.

EFFECTIVE DATE

This new Title 28, United States Code, becomes effective on September 1, 1948.

The following are facsimile signatures appended to
H.R. 3214 — Title 28, United States Code,
Judiciary and Judicial Procedure.

John W. McCormack
Speaker of the House of Representatives.

Alben W. Barkley
President of the Senate pro tempore.

Approved
June 25 1948
Harry Truman
12:25 P.M. E.D.T.

United States

United States Code
Congressional Service

80th Congress—Second Session

1948

New

Title 28, United States Code
Judiciary and Judicial Procedure

With
Official Legislative History
and
Reviser's Notes

St. Paul, Minn.

Brooklyn, N. Y.

West Publishing Co.

Edward Thompson Co.

Acknowledgment

The Publishers hereby wish to record grateful appreciation to the Bench and Bar, as well as to the various Bar Associations and Law Schools, for valuable and practical assistance and cooperation throughout the preparation of this historic new Title of the United States Code, relating to the Judiciary and Judicial Procedure.

**The Congress
Laws of 80th Congress
Second Session**

xxx

Title 28, United States Code Judiciary and Judicial Procedure

CHAPTER 646—PUBLIC LAW 773

AN ACT

To revise, codify, and enact into law title 28 of the United States Code entitled "Judicial Code and Judiciary".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That:

Title 28 of the United States Code, entitled "Judicial Code and Judiciary" is hereby revised, codified, and enacted into law, and may be cited as "Title 28, United States Code, section —", as follows:

TITLE 28 JUDICIARY AND JUDICIAL PROCEDURE

Part

	Sec.
I. ORGANIZATION OF COURTS	1
II. UNITED STATES ATTORNEYS AND MARSHALS	501
III. COURT OFFICERS AND EMPLOYEES	601
IV. JURISDICTION AND VENUE	1251
V. PROCEDURE	1651
VI. PARTICULAR PROCEEDINGS	2201

PART I—ORGANIZATION OF COURTS

Chapter

	Sec.
1. Supreme Court	1
3. Courts of appeals	41
5. District courts	81
7. Court of Claims	171
9. Court of Customs and Patent Appeals	211
11. Customs Court	251
13. Assignment of Judges to other courts	291
15. Conferences and councils of judges	331
17. Resignation and retirement of judges	371
19. Distribution of reports and digests	411
21. General provisions applicable to courts and judges	451

Tit. 28

ORGANIZATION OF COURTS

Part 1

CHAPTER 5—DISTRICT COURTS

Sec.

81. Alabama.
82. Arizona.
83. Arkansas.
84. California.
85. Colorado.
86. Connecticut.
87. Delaware.
88. District of Columbia.
89. Florida.
90. Georgia.
91. Hawaii.
92. Idaho.
93. Illinois.
94. Indiana.
95. Iowa.
96. Kansas.
97. Kentucky.
98. Louisiana.
99. Maine.
100. Maryland.
101. Massachusetts.
102. Michigan.
103. Minnesota.
104. Mississippi.
105. Missouri.
106. Montana.
107. Nebraska.
108. Nevada.
109. New Hampshire.
110. New Jersey.
111. New Mexico.
112. New York.
113. North Carolina.
114. North Dakota.
115. Ohio.
116. Oklahoma.
117. Oregon.
118. Pennsylvania.
119. Puerto Rico.
120. Rhode Island.
121. South Carolina.
122. South Dakota.
123. Tennessee.
124. Texas.
125. Utah.
126. Vermont.
127. Virginia.
128. Washington.

1492

5

Ch. 5

DISTRICT COURTS

Tit. 28, § 81

Sec.

- 129. West Virginia.
- 130. Wisconsin.
- 131. Wyoming.
- 132. Creation and composition of district courts.
- 133. Appointment and number of district judges.
- 134. Tenure and residence of district judges.
- 135. Salaries of district judges.
- 136. Chief judges; precedence of district judges.
- 137. Division of business among district judges.
- 138. Times for holding regular terms.
- 139. Term continued until terminated.
- 140. Adjournment.
- 141. Special terms; places; notice.
- 142. Accommodations at places for holding court.
- 143. Vacant judgeship as affecting proceedings.
- 144. Bias or prejudice of judge.

§ 81. Alabama

Alabama is divided into three judicial districts to be known as the Northern, Middle, and Southern Districts of Alabama.

Northern District

- (a) The Northern District comprises seven divisions.
 - (1) The Northwestern Division comprises the counties of Colbert, Franklin, and Lauderdale.
Court for the Northwestern Division shall be held at Florence.
 - (2) The Northeastern Division comprises the counties of Cullman, Jackson, Lawrence, Limestone, Madison, and Morgan.
Court for the Northeastern Division shall be held at Huntsville.
 - (3) The Southern Division comprises the counties of Blount, Jefferson, and Shelby.
Court for the Southern Division shall be held at Birmingham.
 - (4) The Eastern Division comprises the counties of Calhoun, Clay, Cleburne, and Talladega.
Court for the Eastern Division shall be held at Anniston.
 - (5) The Western Division comprises the counties of Bibb, Greene, Pickens, Sumter, and Tuscaloosa.
Court for the Western Division shall be held at Tuscaloosa.
 - (6) The Middle Division comprises the counties of Cherokee, De Kalb, Etowah, Marshall, and Saint Clair.
Court for the Middle Division shall be held at Gadsden.
 - (7) The Jasper Division comprises the counties of Fayette, Lamar, Marion, Walker, and Winston.
Court for the Jasper Division shall be held at Jasper.

1493